



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR



Date Mailed: September 27, 2023
MOAHR Docket No.: 23-005026
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On August 11, 2023, Petitioner, [REDACTED] requested a hearing to dispute her Food Assistance Program (FAP) closure. As a result, a hearing was scheduled to be held on September 26, 2023, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department) had Valarie Foley, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

Two exhibits were admitted into evidence during the hearing. An 11-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A, and a 23-page packet of documents provided by Petitioner was admitted collectively as Petitioner's Exhibit 1.

ISSUE

Did the Department properly close Petitioner's FAP benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On June 10, 2023, Petitioner completed an online renewal of her FAP benefits.
2. On June 15, 2023, Petitioner uploaded copies of documents as proof of her income and self-employment expenses. Petitioner included a copy of her tax return.
3. The Department did not properly process Petitioner's renewal timely, so the Department erroneously closed Petitioner's FAP benefits effective August 1, 2023.

- Petitioner requested a hearing to dispute the FAP closure.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

A complete redetermination/renewal is required at least every 12 months. BAM 210 (October 1, 2022), p. 3. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit year is certified. *Id.* When the Department fails to log receipt of a redetermination packet, the client's FAP benefits automatically close at the end of the benefit period. *Id.* at p. 13.

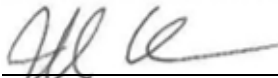
In this case, Petitioner was due to renew her FAP benefits. Petitioner submitted a timely redetermination to renew her FAP benefits, and the Department failed to process it timely. This resulted in the Department erroneously closing Petitioner's FAP benefits at the end of her benefit period. Since Petitioner submitted a timely redetermination, the Department should have processed Petitioner's redetermination, certified the results, and then issued a notice of case action.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with its policies and the applicable law when it closed Petitioner's Food Assistance Program benefits.

IT IS ORDERED, the Department's decision is **REVERSED**. The Department shall process Petitioner's redetermination as timely, the Department shall certify the results, and then the Department shall issue a notice of case action. The Department shall begin to implement this decision within 10 days of the date of mailing of this decision and order.

JK/ml



Jeffrey Kemm
Administrative Law Judge

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Electronic Mail:

DHHS
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
MDHHS-Wayne-19-Hearings@michigan.gov

Interested Parties
BSC4
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MOAHR

Via First Class Mail:

Petitioner
[REDACTED]
[REDACTED], MI [REDACTED]